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Attorneys for Plaintiff Timothy Casey

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIMOTHY CASEY,)	Case No.: 2:18-cv-00546-JAD-EJY
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR THE AWARD AND
vs.)	PAYMENT OF ATTORNEY FEES
)	AND EXPENSES PURSUANT TO
ANDREW SAUL,)	THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,)	ACT, 28 U.S.C. § 2412(d) AND
)	COSTS PURSUANT TO 28 U.S.C. §
Defendant.)	1920
)	
)	

TO THE HONORABLE ELAYNA J. YOUCHAH, MAGISTRATE JUDGE
OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their
undersigned counsel, subject to the approval of the Court, that Timothy Casey be
awarded attorney fees in the amount of four thousand two hundred dollars

1 (\$4,200.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d),
2 and no costs under 28 U.S.C. § 1920. This amount represents compensation for all
3 legal services rendered on behalf of Plaintiff by counsel in connection with this
4 civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

5 After the Court issues an order for EAJA fees to Timothy Casey, the
6 government will consider the matter of Timothy Casey's assignment of EAJA fees
7 to the Law Offices of Lawrence D. Rohlfig. The retainer agreement containing
8 the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct.
9 2521, 2529 (2010), the ability to honor the assignment will depend on whether the
10 fees are subject to any offset allowed under the United States Department of the
11 Treasury's Offset Program. After the order for EAJA fees is entered, the
12 government will determine whether they are subject to any offset.

13 Fees shall be made payable to Timothy Casey, but if the Department of the
14 Treasury determines that Timothy Casey does not owe a federal debt, then the
15 government shall cause the payment of fees, expenses and costs to be made
16 directly to Law Offices of Lawrence D. Rohlfig, pursuant to the assignment
17 executed by Timothy Casey.¹ Any payments made shall be delivered to the Law
18 Offices of Lawrence D. Rohlfig.

19 This stipulation constitutes a compromise settlement of Timothy Casey's
20 request for EAJA attorney fees, and does not constitute an admission of liability on
21 the part of Defendant under the EAJA or otherwise. Payment of the agreed amount
22 shall constitute a complete release from, and bar to, any and all claims that
23
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 Timothy Casey and/or the Law Offices of Lawrence D. Rohlfing may have relating
2 to EAJA attorney fees in connection with this action.

3 This award is without prejudice to the rights of Cyrus Safa and/or the Law
4 Offices of Lawrence D. Rohlfing to seek Social Security Act attorney fees under
5 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

6 DATE: June 8, 2020

Respectfully submitted,

7 LAW OFFICES OF LAWRENCE D. ROHLFING

8 /s/ *Cyrus Safa*

9 BY: _____

Cyrus Safa

Attorney for plaintiff Timothy Casey

11 DATED: June 8, 2020

NICHOLAS A. TRUTANICH

United States Attorney

13 /s/ *Tina Naicker*

14 _____
TINA NAICKER

Special Assistant United States Attorney

Attorneys for Defendant

16 ANDREW SAUL, Commissioner of Social
Security (Per e-mail authorization)

20 **ORDER**

21 Approved and so ordered:

22 DATE: June 9, 2020

23 
24 THE HONORABLE ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE